

BEFORE THE  
CALIFORNIA INTEGRATED WASTE MANAGEMENT BOARD  
STATE OF CALIFORNIA

In the Matter of:

MATT JONES,

Respondent.

Case No. 99-90AC

OAH No. L2001040307

**DECISION**

After an administrative complaint was filed in the above-captioned matter, it was submitted by the parties to the Office of Administrative Hearings for decision, pursuant to a stipulation for issuance of administrative decision. Said stipulation, executed by the parties hereto, is made Exhibit "A" to the record. As the stipulation was received at the Office of Administrative Hearings on October 15, 2002, the matter is deemed submitted on that date. Therefore, pursuant to the agreement of the parties, Joseph D. Montoya, Administrative Law Judge, Office of Administrative Hearings, hereby issues the following decision.

**FACTUAL FINDINGS**

1. (A) This action was commenced by the California Integrated Waste Management Board (hereafter either "the Board" or "CIWMB") when it issued an administrative complaint against Respondent Matt Jones. The case was initiated in 1999, and on or about April 9, 2001, an amended administrative complaint was filed in the Office of Administrative Hearings by the Board.

(B) A claim of violation on the part of Respondent was filed by the Board as case number 99-90AC for allegedly storing more than 150,000 waste tires at his property located at 37855 90<sup>th</sup> Street, Littlerock, California, which property shall hereafter be referred to as "the facility".

2. Respondent Jones admits to the violations alleged in the complaint against him and therefore it must be found that he:

(A) Failed to have a waste tire facility permit from the Board, in violation of Title 14, California Code of Regulations ("CCR"), section 18420.

(B) Failed to have proper fire prevention measures in violation of 14 CCR section 17351.

(C) Failed to have adequate security for the facility in violation of 14 CCR section 17352.

(D) Failed to have adequate vector control measures in violation of 14 CCR section 17353.

(E) Failed to comply with section 17354 of the CCR regarding safe storage of tires;

(F) Failed to comply with a clean-up order issued by the Board. This violated section 42845 of the Public Resources Code.

3. The facility has been cleaned up of all waste tires, a mitigating fact.

4. The undersigned, who participated in pre-hearing conferences and settlement conferences in this matter, takes notice that Respondent asserted that he is a retired individual of limited financial means, a matter taken into account by the Board in attempting to resolve this matter.

5. Respondent has been represented by an attorney during these proceedings. With the assistance of that attorney, Respondent entered into the written stipulation on or about September 27, 2002. That stipulation establishes the facts upon which the foregoing factual findings are based. Respondents have stipulated to take certain actions on their own part, and Respondents have further stipulated that the Board may issue this Decision based on their stipulation.

6. Pursuant to the stipulation the Respondent agreed to pay civil penalties on terms and conditions set forth in the stipulation. Those terms include, but are not limited to, payment of \$10,000.00 to the Board in installments over a five-month period, and provision of a lien for an additional \$20,000 upon the facility property, to be paid upon transfer of the property. The Board agreed to forego payment of other penalties it might otherwise impose if Respondent complies with his agreement.

### **LEGAL CONCLUSIONS**

1. The Board has authority to issue the above-captioned administrative complaint for penalties, and to penalize Respondents for violations of the Public Resources Code, pursuant to sections 42850 through 42855 of the PRC, based on Factual Findings 1(A) through 2(F), and 5 and 6.

2. Respondent has violated Title 14 of the CCR, sections 18420, sections 17351, 17352, 17353, and 17354, based on Factual Findings 2(A) through 2(E).

3. Respondent has violated section 42845 of the Public Resources Code, based on Factual Finding 2(F).

4. Respondents have established some rehabilitation and mitigation, based on Factual Findings 3 and 4.

5. The terms and condition of the stipulation should become the decision of this tribunal and the Board pursuant to Government Code section 11415.60, PRC section 42851(b), based on Factual Findings 1 through 6.

6. To facilitate enforcement, some language of the stipulation may be modified herein, and especially in the order following, so that words of agreement may become words of command. In the event there is any question of interpretation of the parties' obligations and rights under this Decision, the stipulation may be referenced for purposes of interpretation. This conclusion is based on Civil Code section 1642, and the fact of the stipulation.

### **ORDER**

1. Pursuant to the parties' stipulation and the foregoing Findings and Conclusions, Respondent Jones shall pay to the Board the sum of \$10,000 as fines and civil penalties. That shall be paid in installments of \$2,000 per month, with the first payment due October 7, 2002, and the last payment due February 7, 2003.

2. If any payment is not received by the Board by the tenth day of each month, then Respondent shall be deemed in default under the stipulation and this Decision, and the entire balance left owing on the obligation to pay \$10,000.00 shall be immediately due and payable.

3. Payments shall be made to the CIWMB at Post Office Box 4025, Sacramento, California, 95812, attention Kim Kotey, or to such other agent or at such other place as the Board or its authorized agent may designate in writing.

4. Jones shall execute a lien against the property located at 37855 90<sup>th</sup> Street, Littlerock, California, in the amount of \$20,000. Said lien shall be payable upon transfer of the property.

January 28, 2003

Original signed by

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Joseph D. Montoya,  
Administrative Law Judge,  
Office of Administrative Hearings